

OFFICIAL COPY

Fresno, California

September 26, 2000

The City Council met in regular session at the hour of 9:17 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Tom Boyajian	Council President

Andy Souza, Interim City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Monsignor Esquivel, St. John's Cathedral, gave the invocation, and Scout Leader Bill Gentry led the Pledge of Allegiance to the Flag.

PROCLAMATION OF "SCOUT LEADERS DAY" - PRESIDENT BOYAJIAN

RESOLUTIONS OF COMMENDATION TO MR. & MRS. KEVIN THOMPSON, MARK FORTNEY, AND THOMAS BAKER

PROCLAMATION TO THE WINNER OF "MY DOG, MY BEST FRIEND" ESSAY CONTEST - COUNCILMEMBER MATHYS

The above proclamations and resolutions were read and presented. Councilmember Mathys left the meeting at 9:39 a.m. and returned later.

- - - -

APPROVE CITY COUNCIL MINUTES OF SEPTEMBER 19, 2000

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of September 19, 2000, approved as submitted.

- - - -

**APPROVE AGENDA:**

COMMENDATION TO CITY COUNCIL AND PARKS AND RECREATION STAFF FOR THE FUNDING AND FOR THE SUCCESS OF “KIDS JUST WANNA HAVE FUN DAY” AT THE MOSQUEDA CENTER - COUNCILMEMBER QUINTERO

Commendation made.

DIRECT STAFF TO SCHEDULE ON OCTOBER 17<sup>TH</sup> AT A TIME CERTAIN FOR COUNCIL ACTION/POSITION ON WATER ISSUES BETWEEN THE WESTLANDS WATER DISTRICT AND FARMERS - COUNCILMEMBER PEREA

Direction made.

REQUEST FOR INFORMATION ON POLICE DEPARTMENT PLANS TO EXPEND THE ONE-TIME \$1.8 MILLION POLICE GRANT MONEY ON 20 POSITIONS FOR ONE YEAR - COUNCILMEMBER PEREA

Request made.

DIRECTION TO CITY ATTORNEY TO RETURN ON OCTOBER 3<sup>RD</sup> WITH A RESOLUTION CENSURING COUNCILMEMBER MATHYS - PRESIDENT BOYAJIAN

Direction made with Councilmembers Bredefeld and Ronquillo speaking in support. Councilmember Mathys returned to the meeting at 9:52 a.m.

**(11:30 A.M.) HEARING TO CONSIDER CARDROOM PERMIT APPLICATION - REQUEST BY DAVID LOUIS CHANDOLAY FOR TRANSFER OF 100% OWNERSHIP IN DUKE’S CARDROOM - 2039 KERN STREET**  
**(CONTINUE TO OCTOBER 3, 2000, AT 11:00 A.M.)**

Continued as noted.

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

**ADOPT CONSENT CALENDAR:**

**(1A-1) \* RESOLUTION NO. 2000-275 - 375<sup>TH</sup> AMENDMENT TO MFS RES. 80-420 INCREASING AIRWAYS GOLF COURSE GREEN FEES**

**(1A-2) \* RESOLUTION NO. 2000-276 - ORDERING THE SUMMARY VACATION OF A SEWER LIFT STATION EASEMENT ON THE NORTH SIDE OF SIERRA AVENUE EAST OF HAYES AVENUE**

(1A-3) APPROVE SALE OF LAND AT THE SOUTHWEST CORNER OF W. HERNDON AND N. BRAWLEY AVENUES TO GARREK'S, INC.; ACCEPT THE REAL ESTATE PURCHASE CONTRACT AND RECEIPT FOR DEPOSIT DATED AUGUST 30, 2000; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE UPDATED CONTRACT ON BEHALF OF THE CITY AND SIGN ALL ESCROW INSTRUCTIONS AND RELATED DOCUMENTS NECESSARY TO CONCLUDE THE TRANSACTION

(1A-4) **RESOLUTION NO. 2000-277** - APPROVING THE FINAL MAP OF TRACT NO. 4902, PHASE III OF VESTING TENTATIVE MAP NO. 4570 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE WEST SIDE OF S. SUNNYSIDE BETWEEN E. CHURCH AND THE E. CALIFORNIA AVENUE ALIGNMENT

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND

2. AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATIONS OF LIEN, AND STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT TO PLANT AND MAINTAIN FRONT YARD TREES

(1A-5) \* **RESOLUTION NO. 2000-278** - 37<sup>TH</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$10,000 REIMBURSED FROM ORANGE COUNTY FOR EXPENSES INCURRED IN HIRING AND RETRAINING FIREFIGHTERS DISPLACED BY THE CLOSURE OF THE EL TORO AND TUSTIN MARINE CORPS BASES

(1A-7) **RESOLUTION NO. 2000-279** - AUTHORIZING THE INTERIM CONTROLLER, TREASURY OFFICER AND PRINCIPAL ACCOUNTANT AS CITY FINANCE OFFICERS TO SIGN CITY CHECKS AND VARIOUS INVESTMENT AND COMMERCIAL BANKING DOCUMENTS, AND TO PROVIDE VERBAL INSTRUCTION AS REQUIRED FOR THE PRUDENT FINANCIAL ADMINISTRATION AND SAFEKEEPING OF CITY FUNDS NECESSARY FOR THE DAY-TO-DAY FINANCIAL OPERATION OF THE CITY

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

(3A) CONSIDER SOCIAL SERVICE FUNDING APPLICATION APPEALS FOR FY 2000-2001 AND MAKE FUNDING ADJUSTMENTS, IF NECESSARY - COUNCILMEMBERS RONQUILLO, STEITZ AND PEREA

1. RECONSIDER ALLOCATIONS OF SOCIAL SERVICE FUNDING APPLICATIONS FOR FY 2000-2001 - COUNCILMEMBER PEREA

Brief discussion ensued on the appeals process with City Attorney Montoy clarifying the process.

Councilmember Perea reiterated his position had been to show consistency and fund only programs previously funded until the evaluation process was strengthened, noted a couple more programs did end up receiving funding and stressed all were good programs, and made a motion to reconsider the allocations and accept the recommendations presented by the Human Relations Commission (HRC) since total funds originally anticipated did not come through. Councilmember Ronquillo stated a democratic process had been followed; stressed the HRC was designated to only make recommendations for Council's consideration emphasizing the ultimate decision was up to Council; clarified the subcommittee followed over 97% of the HRC's recommendations; reiterated the subcommittee's consensus was to direct funds towards juvenile crime prevention and delinquency; and stated he would not be supporting the motion. Councilmember Steitz stated although he agreed with Councilmember Perea, the votes were not there to go with the HRC's recommendations and emphasized Council needed to do something to move the process along. President Boyajian stated the subcommittee engaged in a good process and did a great job as only one appeal was received out of almost \$700,000 in funding. Councilmember Mathys seconded Councilmember Perea's motion, and brief discussion ensued on the process and bifurcating the appeal from the motion **(2 - 0)**.

Discussion ensued on the entire process, the appeal process (with Ms. Montoy and District 3 Assistant Cox clarifying issues and processes), Councilmembers' positions relative to fairness, logic and integrity, the need for four votes to approve the HRC's recommendations, and on making up the \$48,000 shortage by reducing the prior allocations across the board or delete funding from the bottom of the list and move upward as needed. Councilmember Perea amended his motion to accept the HRC's recommendations *and* delete funding from the bottom of the priority list and move upward to make up the shortage, which was again seconded by Councilmember Mathys.

Discussion continued on the process and on which agencies were now being proposed to be cut. Councilmember Quintero explained how the prior process worked with the United Way and emphasized the HRC did their job by making recommendations and it was now up to Council to make changes, if desired, and make the final decision. Acting President Bredefeld and President Boyajian concurred stating the HRC's recommendations were not mandates and the issue was about process.

A motion of Councilmember Perea, seconded by Councilmember Mathys, accept the recommendations of the Human Relations Commission and delete funding from the bottom of the priority list and move upward to make up the \$48,000 shortage failed, by the following vote.

Ayes	:	Mathys, Perea, Steitz
Noes	:	Bredefeld, Quintero, Ronquillo, Boyajian
Absent	:	None

Polly Franson, CASA, reviewed their appeal, requested funding be allocated to CASA, and responded to questions of President Boyajian relative to who CASA worked through or for, other funding they received, amount they received last year, how long CASA had been in existence, and if they were expecting any additional funding this year.

Councilmember Perea made a motion to allocate \$9,500 to CASA as recommended by the HRC, which was seconded by Councilmember Mathys, and discussion ensued on where the funds would come from and which agencies would be cut. Acting President Bredefeld stated Barrios Unidos had received other funding and made a motion to delete their funding in the amount of \$6,000 and allocate those funds to CASA (which was seconded by Councilmember Steitz), adding he would not support arbitrarily cutting funds from the bottom or the top. Councilmember Ronquillo pointed out CASA also already had a substantial amount of funding.

Councilmember Quintero offered an amendment to take a percentage from each agency previously funded to total \$9,500 and allocate those funds to CASA, which amendment was accepted by the motion and second-maker. Councilmember Ronquillo questioned if Acting President Bredefeld would consider focusing on the additional \$6,000 that was added to Hope Now For Youth, with Acting President Bredefeld stating he would not. Acting President Bredefeld stated he would not support the amendment by Councilmember Quintero as Council would be funding CASA100% but not the other agencies.

On motion of Councilmember Perea, seconded by Councilmember Mathys, duly carried, RESOLVED, the appeal of CASA upheld and staff directed to take a percentage of funds from each agency funded on 9/19/00, in order to allocate \$9,500 to CASA, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	Bredefeld
Absent	:	None

- - - -

**(10:00 A.M.) HEARING TO CONSIDER THE BEHYMER-MAPLE NO. 3 REORGANIZATION, FILED BY THE CITY OF FRESNO, FOR THE DETACHMENT OF 103 ACRES (420 RESIDENTIAL LOTS) FROM FRESNO COUNTY FIRE PROTECTION DISTRICT (FCFPD), COUNTY SERVICE AREA NO. 7 (CSA NO. 7) AND THE KINGS RIVER CONSERVATION DISTRICT (KRCD), AND ANNEXATION OF THE SAME TERRITORY TO THE CITY OF FRESNO**

**1. \* RESOLUTION NO. 2000-280 - IN THE MATTER OF THE BEHYMER-MAPLE NO. 3 REORGANIZATION CONFIRMING THE ORDER OF REORGANIZATION BY ANNEXATION TO THE CITY AND DETACHMENT FROM THE FCFPD, CSA NO. 7 AND KRCD**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planning Manager Haro reviewed the staff report as submitted and recommended approval. A motion and second was made to approve staff's recommendation. Councilmember Steitz requested ballots be sent out to residents stating he had a problem with forcing people to be annexed into the city without a say. Upon question of Acting President Bredefeld and Councilmember Perea, Mr. Haro stated homeowners were informed by the developer they would be in a city subdivision and would be annexed, and that the area was completely built out.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Acting President, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-280 hereby approved, and the Behymer-Maple No. 3 Reorganization allocated to Council District No. 6 in accordance with Fresno Municipal Code Section 2-208, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Mathys, Steitz
Absent	:	None

- - - -

**(10:15 A.M.) PRESENTATION BY COG RELATING TO HIGHWAY 99 BEAUTIFICATION**

**1. RESOLUTION NO. 2000-281 - ENDORSING THE "HIGHWAY 99 BEAUTIFICATION MASTER PLAN"**

Dan Zack, COG, reviewed the background of the issue, gave a brief overview of the plan stating there were no significant changes (**3 - 0**), and recommended the resolution be adopted. Councilmember Ronquillo spoke in support stating this was a fine effort to be proud of and made a motion to adopt the resolution, which was seconded by Acting President Bredefeld who commended COG and commented on how important the first impression of Highway 99 was.

Mr. Zack and Barbara Goodwin, COG Executive Director, responded at length to comments and questions of Councilmembers Quintero, Mathys and Perea relative to whether Golden State Boulevard and the old 99 were addressed in the plan (with Councilmember Quintero suggesting something creative be done to the older areas and buildings for tourism purposes), what portion of the 99 corridor was addressed, type of businesses and signs preferred on the corridor, landscaping buffers for wrecking/salvage yards and payment responsibility, possibility of assessment districts to pay for landscaping, encouraging community volunteer efforts, the plan's intent to eliminate visual blight, billboards, and availability of Measure "C" and State Transportation Improvement Program (STIP) funds to pay for plan improvements. Acting President Bredefeld briefly left the meeting at 11:12 a.m.

Brief discussion ensued with Councilmember Ronquillo commenting on the need to re-appoint or reconvene the subcommittee to establish a theme for Highway 99; Councilmember Steitz commenting on the need to get a plan in place and then approach Caltrans for funding stating they had a pot funds available which should be utilized for these improvements; and President Boyajian questioning the timeline for the McKinley to Shaw 99 improvements.

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 2000-282 hereby adopted, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld

- - - -

**(10:30 A.M.) CONSIDER RECOMMENDATIONS SUBMITTED BY COG RELATING TO THE HERNDON AVENUE SPECIFIC STUDY - COUNCILMEMBER STEITZ**

Acting President Bredefeld returned to the meeting at 11:16 a.m. Councilmember Steitz made a motion to approve the four Herndon Avenue Access Policy Recommendations and the four Steps for Implementation all contained in the Study as submitted, which was seconded by Councilmember Ronquillo. Discussion ensued on whether any cost proposals or funding recommendations were included with the motion. Councilmember Perea stated he felt the proposals were premature and his concern was that the implementation plan was an action plan tied to funding and explained. Discussion ensued on future Measure "C" funds and priorities, and the need to move forward and place emphasis on the immediate need.

City Attorney Montoy questioned whether an environmental assessment had been conducted and stated staff needed to provide input on the need for CEQA analysis and the issue of curb cuts. Development Director Yovino stated the recommendations were not consistent with the General Plan adding if Council wanted them included the EIR would have to be redone and the plan would not be adopted this year as anticipated. Acting President Bredefeld briefly left the meeting at 11:28 a.m. Ms. Montoy recommended Council accept the report as policy action could not be taken this date.

Councilmember Steitz' efforts. Councilmember Steitz stated he understood the environmental concerns; advised he would table the issue as recommended; clarified he was not talking about policy or Measure "C" dollars at this time; stated there were dollars out there to address regional transportation problems; expressed concern with delaying matters emphasizing Council needed to start looking at right-of-way purchases; and made a motion relative to the report and recommendations.

On motion of Councilmember Steitz, seconded by Councilmember Perea, duly carried, RESOLVED, the Herndon Avenue Specific Study report hereby accepted and action on the recommendations tabled to November 14, 2000, to allow for a staff report on environmental issues, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld

- - - -

**(10:45 A.M.) RESOLUTION NO. 2000-282 - SUPPORTING ADOPTION OF SENATE BILL 1629 WHICH WOULD ENSURE THAT BICYCLIST AND PEDESTRIAN NEEDS ARE CONSIDERED IN ALL MAJOR HIGHWAY PROJECTS IN THE STATE OF CALIFORNIA - COUNCILMEMBER PEREA**

Acting President Bredefeld returned to the meeting at 11:34 a.m. Councilmember Perea gave an overview of the issue and requested the resolution be adopted. Councilmembers Mathys and Steitz left the meeting at 11:35 a.m. and returned later.

Nick Paladino, Fresno Cycling Club, gave an overview of SB1629 and spoke in support **(4 - 0)**.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-282 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes	:	None
Absent	:	Mathys, Steitz

- - - -

**(11:00 A.M.) HEARING TO CONSIDER PUBLIC USE AND NECESSITY TO ACQUIRE THREE EASEMENTS FOR THE CONSTRUCTION OF N. MAPLE AVENUE NORTH OF E. INTERNATIONAL AVENUE - APN 301-101-02, -03 AND -04**

**1. \* RESOLUTION NO. 2000-283 - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE WIDENING OF A PORTION OF N. MAPLE NORTH OF E. INTERNATIONAL IN CONJUNCTION WITH THE DEVELOPMENT OF UGM TRACT NO. 4884, AND THAT THE ACQUISITION OF THE EASEMENTS IS NECESSARY FOR THE PROJECT**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Senior Real Estate Agent Hansen reviewed the staff report as submitted and a motion and second was made to approve staff's recommendation. Councilmember Steitz returned to the meeting at 11:42 a.m.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2000-283 acquiring easements from Louie E. Allen (APN 301-101-02), Louis T. and Susan A. Brosi (APN 301-101-03), and Samuel B. and Linda S. Federico (APN 301-101-04) hereby adopted, by the following vote:

Ayes	:	Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	Bredefeld
Absent	:	Mathys

- - - -

**(3B) \* RESOLUTION - 26<sup>TH</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$19,500 FOR THE REPLACEMENT OF ELEVEN (11) OLIVE TREES ON PEACH AVENUE SOUTH OF BUTLER AVENUE**

Councilmember Ronquillo briefly left the meeting at 11:43 a.m. A motion and second was made to adopt the resolution. Councilmember Steitz questioned why the Contingency Fund was being used with Councilmember Quintero responding and recommending the resolution be laid over one more week to look into alternative funding sources. Councilmember Perea noted a commitment was made to purchase the trees, stated the amount needed was not a lot of money clarifying the City was carrying vacancies with benefits resulting in salary savings much higher than \$19,000, and made a motion to adopt the resolution utilizing Parks & Recreation Department salary savings as the funding source. Brief discussion ensued on the motion. Councilmember Steitz questioned why the funds could not come from District 5's budget, stressed Council would be tapping into the Contingency Fund later and explained adding the fund would be tapped out, and stated he would not support taking funds from vacancies.

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, staff to return in one week with the Resolution utilizing any General Fund vacancies as the funding source, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Boyajian
Noes	:	Steitz
Absent	:	Mathys, Ronquillo

- - - -

**(5A) APPROVE THE APPOINTMENT OF JEFF BARRETT TO THE WEST AREA COMMUNITY PLAN - PRESIDENT BOYAJIAN**

On motion of President Boyajian, seconded by Councilmember Steitz, duly carried, RESOLVED, Jeff Barrett appointed to the West Area Community Plan, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Mathys, Ronquillo

- - - -



**(5B) \* BILL - AMENDING FRESNO MUNICIPAL CODE SECTION 13-412 (h) RELATING TO HISTORIC RESOURCES - COUNCILMEMBER STEITZ**

Tabled to after closed session.

- - - -

**(5C) \* RESOLUTION NO. 2000-284 - 44<sup>TH</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$400 OF DISTRICT 1'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE NEIGHBORHOOD YOUTH TAUGHT RESPONSIBILITY ORGANIZATION AND ETHICS PROGRAM - PRESIDENT BOYAJIAN**

Briefly reviewed by President Boyajian.

On motion of Acting President Bredefeld, seconded by President Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 200-284 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Mathys, Ronquillo

- - - -

**(5D) \* RESOLUTION NO. 2000-285 - 45<sup>TH</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$500 OF DISTRICT 6'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE CLOVIS WEST HIGH SCHOOL BAND BOOSTERS - ACTING PRESIDENT BREDEFELD**

On motion of Acting President Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2000-285 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Mathys, Ronquillo

- - - -

**(5E) REQUEST THE CITY MANAGER OR DESIGNEE TO DIRECT THE DEVELOPMENT DEPARTMENT TO PREPARE AN ORDINANCE REQUIRING A CONDITIONAL USE PERMIT (CUP) PRIOR TO ISSUING A PERMANENT ENTERTAINMENT ATTRACTION BUSINESS LICENSE TO OPERATE - COUNCILMEMBER MATHYS**

Councilmember Perea questioned if the issue was related to the juice bar and stated the subject request would counter Council's prior direction, with City Attorney Montoy confirming the matter did relate to the juice bar and clarified her office and the Police Department were currently working on establishing some type of parameters to deal with adult entertainment establishments. Brief discussion ensued on Councilmember Mathys' request.

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the request to the City Manager to direct staff to prepare an ordinance to require a conditional use permit (cup) prior to issuing a permanent entertainment attraction business license to operate hereby denied, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian  
Noes : None  
Absent : Mathys

- - - -

**(5F) REQUEST CITY MANAGER TO DIRECT STAFF TO DETERMINE AND PRESENT NECESSARY DOCUMENTS FOR COUNCIL APPROVAL TO DESIGNATE ENTERPRISE ZONE ACREAGE TO INCLUDE APN 458-071-010 LOCATED AT NEILSEN AND WEST AVENUES IN THE CURRENT ENTERPRISE ZONE - COUNCILMEMBER RONQUILLO**

Councilmember Ronquillo briefly reviewed the issue, and Herb Morgenstern, Pleasant Mattress Co., 240 S. Teilman, gave an overview of his business and plans to build a new larger facility and hire additional employees, and spoke in support of the request. Councilmember Ronquillo made a motion to approve the request as outlined. Councilmember Mathys returned to the meeting at 11:59 a.m. Brief discussion ensued on the timeline to report back, with Interim City Manager Souza stating staff was working with Mr. Morgenstern and would submit a report as soon as possible which would be consistent with adopted enterprise zone policy.

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, **RESOLVED**, the City Manager requested to direct staff to determine and present necessary documents *by October 17, 2000*, for Council approval to designate enterprise zone acreage to include APN 458-071-010 located at Neilsen and West Avenues in the current enterprise zone, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian  
Noes : None  
Absent : None

- - - -

**LUNCH RECESS - 12:00 NOON - 2:00 PM.**

**(2:00 P.M.) CLOSED SESSION:**

**(A) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - COUNCILMEMBER QUINTERO**

**CITY NEGOTIATORS: JORGE AGUINIGA AND ANDREW SOUZA**

**EMPLOYEE ORGANIZATIONS: FRESNO POLICE OFFICERS ASSOCIATION NON-SUPERVISORY POLICE (FPOA); INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 NON-MANAGEMENT FIRE (IAFF); AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU); AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 FIRE MANAGEMENT (IAFF)**

**(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54957.6, SUBDIVISION (a) - CASE NAMES:**

1. ROLINDA OSBURN V. CITY OF FRESNO, ET AL.
2. MYRNA LORAN V. CITY OF FRESNO
3. MEMORIAL AUDITORIUM RESTORATION SOCIETY (MARS) V. CITY OF FRESNO, ET AL.

The Council met in closed session in Room 2125 at the hour of 2:10 p.m. to consider the above issues and reconvened in regular open session at 2:56 p.m.

- - - -

**(2:00 P.M.) CONTESTED CONSENT CALENDAR ITEMS:**

**(1A-6) APPROVE THE SELECTION OF MEDICAL PROVIDER TO PROVIDE DRUG TESTING SERVICES, PRE-PLACEMENT, AND SPECIALIZED MEDICAL EXAMINATIONS**

Speaking in support of selecting Valley Industrial and Family Medical Group (VIFMG) were: Dr. Edward Sutton, CEO, VIFMG, 2610 Tuolumne; and Dr. Gary Hatcher, P.O. Box 757, Auberry, CA. Councilmember Steitz left at 3:03 p.m. and was absent for the remainder of the meeting.

Speaking in support of staff's recommendation to select F.I.R.M. Associates were: Erik Gutnick, Account Manager, F.I.R.M. Associates; and Dr. Marilyn Benck, 5084 N. Fruit.

A motion and second was made to approve staff's recommendation.

Senior Risk Analyst Connelly responded to questions of Councilmember Perea and President Boyajian relative to how the quality of service and relationship with current provider VIFMG was factored into the selection process, differences in cost proposals, transitioning costs, the proposed contract including yearly cost and terms, and if there had been any problems with the current provider.

On motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the selection of F.I.R.M. Associates to provide both pre-employment and special medical examinations hereby approved; F.I.R.M. Associated designated to perform the City's drug/alcohol random testing program due to its competitive fee schedule and acceptable service level; and the City Manager authorized to prepare and execute a three (3) year agreement with F.I.R.M. Associates, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Boyajian
Noes	:	None
Absent	:	Steitz

- - - -

**(2:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council and Redevelopment Agency convened in joint session at the hour of 3:12 p.m.

**APPROVE AGENCY MINUTES OF JULY 25, 2000**

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the Agency minutes of July 25, 2000, approved as submitted.

**(“A”) JOINT HEARING TO REVIEW THE DISPOSITION AND DEVELOPMENT AGREEMENT (D&DA) BETWEEN THE AGENCY AND CITY FOR DEVELOPMENT OF A PUBLICLY-OWNED MULTIPURPOSE STADIUM ON AN 11-ACRE SITE GENERALLY BOUND BY TULARE, BROADWAY/”H”, INYO STREET, AND THE FULTON MALL OR BROADWAY/FULTON ALLEY. ALTERNATIVE AGREEMENTS TO BE PRESENTED (CONTINUE TO OCTOBER 10, 2000, AT 9:00 A.M.)**

Continued to the October 10<sup>th</sup> special meeting as noted.

**(“B”) REQUEST FOR DIRECTION RELATIVE TO PRIVATE PROPERTY OFFER TO CONVEY REVERSIONARY INTEREST IN PALM LAKES GOLF COURSE TO THE REDEVELOPMENT AGENCY (COUNCIL AND AGENCY ACTION)**

Redevelopment Administrator Murphey reviewed the issue and the staff report as submitted. Councilmember Mathys presented questions at length relative to when, if ever, the reversionary interest would trigger, what the cost would be to the taxpayers, if the reversionary interest value would increase with a more intensive use, result if the current use never changed, if there were currently any plans to close the golf course and change it to an industrial use, if area residents had been surveyed on their positions, popularity of the golf course currently, **(5 - 0)** if this was more of a housekeeping-type matter, if there was public support to close the golf course, and the property having a greater value with a commercial use vs. the golf course use, with Agency Director Fitzpatrick and Attorney Carl Motschiedler, representing Mr. Stravinski, responding to questions and Mr. Motschiedler also explaining the proposal.

A motion and second was made to approve staff’s recommendation. Mr. Fitzpatrick responded to questions of President Boyajian relative to the timeline to get an agreement back, if a study had been conducted on proposed uses, and who owned the land; and Chair Ronquillo and Councilmember Quintero spoke in support of the issue and offer.

On motion of Councilmember Quintero, seconded by Chair Ronquillo, duly carried, RESOLVED, the Agency and City Attorney’s Office directed to conduct an analysis and due diligence relative to the reversionary interest and the deed of easement for light, air and sunlight and their ramifications for the potential use of the site in the future for a business park and report back to the Council/Agency in approximately 30 days; and the Agency Executive Director and City Attorney directed to negotiate deal points based on the offer and Council/Agency direction this date for a draft agreement to implement the reversionary interest to the Redevelopment Agency, including an updated appraisal, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	Steitz

- - - -

The joint bodies adjourned at 3:29 p.m. and the City Council reconvened in regular session at 3:30 p.m.

**(3:00 P.M.) APPEARANCE BY NORMAN PIMENTEL TO REQUEST THE SERVICE OF FRESNO AREA EXPRESS (FAX) CONFORM WITH THE AMERICAN WITH DISABILITIES ACT (ADA)**

**136-110**

**9/26/00**

Appearance made. Upon request of Acting President Bredefeld for a response by staff on the complaints, Transit Manager Rudd stated staff acted on the issue when it came to their attention and was currently engaged in the complaint process, and emphasized staff did recognize the seriousness of the ADA. There was no further discussion.

- - - -

**(3:05 P.M.) APPEARANCE BY TOM MARSELLA REGARDING A REQUEST TO REPAIR POTHOLES AND A STANDING WATER PROBLEM AT THE INTERSECTIONS OF KINCAID & ROBERTS AND BRIARWOOD & ROBERTS AVENUES - COUNCILMEMBER MATHYS**

Not present when called.

- - - -

### **ADJOURNMENT**

There being no further business to bring before the Council, the hour of 3:39 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the 3rd day of October, 2000.

_____ ATTEST: _____	
Tom Boyajian, Council President	Yolanda Salazar, Assistant City Clerk

**136-111**

**9/26/00**